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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,338	10/04/2002	Haig H. Krakirian	PDT-1308.01	2201
23410	7590	03/06/2006	EXAMINER	
Vista IP Law Group LLP 2040 MAIN STREET, 9TH FLOOR IRVINE, CA 92614			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,338

Applicant(s)

KRAKIRIAN ET AL.

Examiner

Ryan F. Pitaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-34 have been examined.

Response to Amendment

2. This action is in response to Amendment A filed 12/12/2005. Claims 1,6-9,18, and 23-26 have been amended. Claims 33-34 have been added as new. This action is Final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,6-9,11-16,18-21,23-31³³⁻³⁴ rejected under 35 U.S.C. 102(b) as being anticipated by Humpleman et al ("Humpleman", US 6,198,479). SL

As per independent claim 1, Humpleman teaches a method for interfacing with a device connected to a set-top box comprising: accessing a graphical user interface (GUI) on a partitioned screen coupled to said set-top box (Column 5 lines 64-67) using a remote control unit (Column 23 line 45 – Column 24 line 5); selecting said connected device by accessing a menu in said GUI (Column 14 lines 27-34) using the remote

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control unit (Column 23 line 45 – Column 24 line 5); and sending a signal from said set-top box to said connected device wherein said signal causes said connected device to enter a new state (Column 14 lines 34-41).

As per claim 2, which is dependent on claim 1, Humpleman teaches a method wherein said new state is an on state (Figure 10, Power).

As per claim 3, which is dependent on claim 1, Humpleman teaches a method wherein said new state is an off state (Figure 10, Power).

As per claim 4, which is dependent on claim 1, Humpleman teaches a method wherein said connected device is a light (Column 1 lines 23-34).

As per claim 6, which is dependent on claim 1, Humpleman teaches a method wherein said connected device is a media player (Column 1 lines 23-34).

As per claim 7, which is dependent on claim 1, Humpleman teaches a method wherein said connected device is an audio player (Column 1 lines 23-34).

As per claim 8, which is dependent on claim 1, Humpleman teaches a method wherein said connected device is a security device (Column 1 lines 23-34).

As per independent claim 9, Humpleman teaches a method for interfacing with a device connected to a set-top box comprising: accessing a graphical user interface (GUI) on a partitioned screen coupled to said set-top box (Column 5 lines 64-67) using a remote control unit (Column 23 line 45 – Column 24 line 5); defining an event in said GUI (Column 21 lines 10-19); defining one or more rules related to said event in said GUI (Column 21 lines 24-33); determining if said event has occurred (Column 21 lines

30-33); applying said rules to said device with said set-top box, if said event has occurred (Column 21 lines 30-33).

As per claim 11, which is dependent on claim 9, Humpleman teaches a method wherein said step of determining further comprises using said set-top box to determine the occurrence of said event (Column 21 lines 14-33).

As per independent claim 12, Humpleman teaches a method for interfacing with a device connected to a set-top box comprising: accessing a graphical user interface (GUI) on a partitioned screen coupled to said set-top box (Column 5 lines 64-67); defining a layout for a room in said GUI (Figure 7); defining a location for a connected device in said layout using said GUI (Column 13 lines 66-67, Column 14 lines 1-12); and receiving an indication in said GUI at said location in said layout, when said connected device changes a state (Column 17 lines 1-15).

As per claim 13, which is dependent on claim 12, Humpleman teaches a method wherein said connected device is a light (Column 1 lines 23-34).

As per claim 14, which is dependent on claim 12, Humpleman teaches a method wherein said state is an on state (Figure 10, Power).

As per claim 15, which is dependent on claim 12, Humpleman teaches a method wherein said state is an off state (Figure 10, Power).

As per claim 16, which is dependent on claim 11, Humpleman teaches a method wherein said event is a time, further comprising: activating a clock in said set-top box; and determining when said clock reaches said time (Column 21 lines 24-33).

Claim 18 is similar in scope to that of claim 1 and is therefore rejected under similar rationale.

Claim 19 is similar in scope to that of claim 2 and is therefore rejected under similar rationale.

Claim 20 is similar in scope to that of claim 3 and is therefore rejected under similar rationale.

Claim 21 is similar in scope to that of claim 4 and is therefore rejected under similar rationale.

Claim 23 is similar in scope to that of claim 6 and is therefore rejected under similar rationale.

Claim 24 is similar in scope to that of claim 7 and is therefore rejected under similar rationale.

Claim 25 is similar in scope to that of claim 8 and is therefore rejected under similar rationale.

Claim 26 is similar in scope to that of claim 9 and is therefore rejected under similar rationale.

Claim 27 is similar in scope to that of claim 12 and is therefore rejected under similar rationale.

Claim 28 is similar in scope to that of claim 13 and is therefore rejected under similar rationale.

Claim 29 is similar in scope to that of claim 14 and is therefore rejected under similar rationale.

Claim 30 is similar in scope to that of claim 15 and is therefore rejected under similar rationale.

Claim 31 is similar in scope to that of claim 16 and is therefore rejected under similar rationale.

As per claim 33, which is dependent on claim 9, Humpleman teaches a method, further comprising customizing the GUI with a room set-up mode (Column 14 lines 1-10).

Claim 34 is similar in scope to that of claim 33 and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,10,17,22, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al ("Humpleman", US 6,198,479) in view of Jeon et al ("Jeon", US 5,822,012).

As per claim 5, which is dependent on claim 1, Humpleman fails to particularly point out a heater or air conditioner. However, Jeon teaches a method wherein said

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connected device is a heater or an air conditioner (Column 2 lines 58-63). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Jeon into the method of Humpleman. Motivation to do so would have been include a heater or an air conditioner since Humpleman includes all well-known home devices that are typical in a home.

As per claim 10, which is dependent on claim 9, Humpleman-Jeon teaches a method wherein said step of determining further comprises using said connected device to determine the occurrence of said event (Column 2 lines 49-56).

As per claim 17, which is dependent on claim 10, Humpleman fails to particularly point out a motion sensor connected to the security system. However, Jeon teaches a method wherein said event is a motion at a location and said connected device is a motion detector coupled to a camera, further comprising activating said motion detector; determining when said motion at said location occurs (Column 2 lines 49-56); activating said camera; and transmitting one or more images from said camera to said GUI via said set-top box (Column 2 lines 42-48, lines 54-57). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Jeon into the method of Humpleman. Motivation to do so would have been alert users of the status of sensing data that they may not be aware of.

Claim 22 is similar in scope to that of claim 15 and is therefore rejected under similar rationale.

Claim 32 is similar in scope to that of claim 17 and is therefore rejected under similar rationale.

Response to Arguments

Applicant's arguments filed 12/12/2005 have been fully considered but they are not persuasive.

Applicants argue that Humpleman does not teach accessing a GUI using a remote and actually Humpleman teaches away from the use of remote control unit. Humpleman does in fact discourage the use of a remote control, but for each specific device. However, Humpleman teaches using one remote control with his invention to control all of the devices (Column 23 line 45 – Column 24 line 5).

Applicants also argue that Humpleman fails to teach a layout system in Figure 7, stating that Figure 7 actually just shows icons arranged on a display page. The Examiner disagrees and points out that Humpleman expressly teaches arranging the devices according to the placement in the home, which is defining a layout for a room (Column 14 lines 1-10).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm M-Th, and alternating F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro
Art Unit 2174
Patent Examiner

RFP



D. LUU
PRIMARY EXAMINER